

PROPOSED COUNCIL STUDY ISSUE

For Calendar Year: 2004

Continuing ☐

New ☐

Previous Year (below line/defer) ☒

Issue: Re-establishment and Amortization of non-conforming, non-residential uses and structures

Lead Department: Community Development

General Plan Element or Sub-Element: Land Use and Transportation Element

1. What are the key elements of the issue? What precipitated it?

The re-establishing of non-conforming non-residential uses and structures has been considered by the City Council from time to time over recent years. Current regulations allow the reconstruction of legal non-conforming residential uses and buildings if they are accidentally damaged and are reconstructed within one year (and not abandoned or vacant for six months). Sunnyvale Municipal Code (Chapter 19.50) is more restrictive for non-residential buildings and uses than for residential. The Code does not allow non-residential buildings to be rebuilt, or for the non-conforming use to continue, if damage exceeds 50% of the value of the building. The Council has not adopted any changes to this regulation in previous studies.

In 2003, the above study issue was combined with a study to consider the opposite requirement for the amortization of non-conforming, non-residential uses potentially resulting in the eventual removal. This part of the item will also examine revisions to the permit process requiring periodic review and/or removal of non-conforming, non-residential uses.

The prohibition against re-establishing a damaged non-conforming use or building is a common zoning tool to assist a community in achieving compliance with the general plan and zoning for an area. Staff notes that because the zoning code allows the continued use of a non-conforming use (not requiring amortization), protection is afforded most businesses in non-conforming situations. New requirements that restrict existing non-conforming uses or buildings may negatively influence the existing and future businesses' intention to operate within the City.

For 2003, the study was deferred by the City Council.

2. How does this relate to the General Plan or existing City Policy?

Land Use and Transportation Element

Policy N.1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

Policy N1.3 Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the City.

Economic Development

Policy 5.1C4 Promote business opportunities and retention in Sunnyvale.

3. Origin of issue:

Councilmember: Roberts, Risch

General Plan:

Staff:

BOARD or COMMISSION

Arts	<input type="checkbox"/>	Library	<input type="checkbox"/>
Bldg. Code of Appeals	<input type="checkbox"/>	Parks & Rec.	<input type="checkbox"/>
CCAB	<input type="checkbox"/>	Personnel	<input type="checkbox"/>
Heritage & Preservation	<input type="checkbox"/>	Planning	<input type="checkbox"/>
Housing & Human Svcs	<input type="checkbox"/>		

Board / Commission Ranking/Comment:

_____ Board / Commission ranked _____ of _____

4. Due date for Continuing and Mandatory issues (if known): _____

5. Multiple Year Project? Yes ☐ No ☒ Expected Year of Completion 2004

6. Estimated work hours for completion of the study issue.
- | | |
|--|-----|
| (a) Estimated work hours from the lead department | 350 |
| (b) Estimated work hours from consultant(s): | |
| (c) Estimated work hours from the City Attorney's Office: | 40 |
| (d) List any other department(s) and number of work hours: | |
| Department(s): | |
- Total Estimated Hours: 390
7. Expected participation involved in the study issue process?
- | | | |
|---|---|--|
| (a) Does Council need to approve a work plan? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| (b) Does this issue require review by a Board/Commission? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
- If so, which Board/Commission? Planning Commission
- | | | |
|---|---|-----------------------------|
| (c) Is a Council Study Session anticipated? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (d) What is the public participation process? | | |

A focus meeting with the public may be held to hear concerns and understand the expectations of non-residential property owners. Standard noticing and advertisements will be a part of this process for both the Planning Commission and City Council public hearings.

- | | |
|------------------------------------|-------------|
| 8. Estimated Fiscal Impact: | |
| Cost of Study | \$ 0 |
| Capital Budget Costs | \$ 0 |
| New Annual Operating Costs | \$ 0 |
| New Revenues or Savings | \$ 0 |
| 10 Year RAP Total | \$ 0 |

- 9. Staff Recommendation**
- ☐ **Recommended for Study**
- ☐ **Against Study**
- ☒ **No Recommendation**

Explain below staff's recommendation if "for" or "against" study. Department director should also note the relative importance of this study to other major projects that the department is currently working on or that are soon to begin, and the impact on existing services/priorities.

reviewed by

Department Director

Date

approved by

City Manager

Date